

REMARKS

Claims 1-20 were pending in the application, with Claims 1, 15 and 19 being in independent form.

Applicant has amended Claims 1-10 and 12-19.

Applicant has cancelled Claim 11 without prejudice or disclaimer of that which is defined thereby.

Applicant acknowledges with thanks the indication at page 4 of the Action that Claims 10 and 15 would be allowable if rewritten in independent form. Applicant has done that by amendment herein and requests that those claims be marked as allowed in the next communication.

Thus, Claims 1-10 and 12-20 remain presented for examination.

Section 102 Rejection:

Claims 1, 4-6, 8, 11-12, and 16-20 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,018,011 (Schein) for the reasons given at page 2 of the Action.

Claims 1-4, 7-9, 11-12, 14 and 16-20 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,528,081 (Lien) for the reasons given at page 3 of the Action.

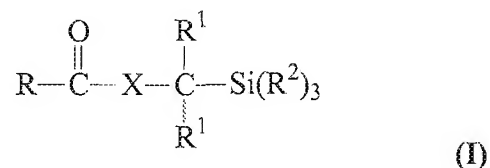
Applicant's cancellation of Claim 11 renders moot the Section 102 rejections thereof. Applicant traverses the remaining Section 102 rejections.

For the Examiner's benefit, Applicant provides a brief review of the present invention.

As now defined by Claim 1 as amended, for instance, the present invention is directed to and claims a method for improving the skin over time in a curable silicone composition. The method includes the steps of:

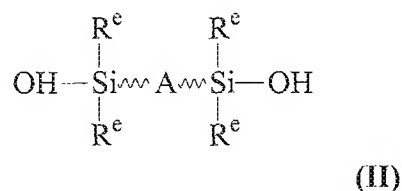
A. providing a curable silicone composition comprising:

a) a compound having the structural formula:



where R is a C₁₋₂₀ alkyl group which is optionally substituted or an unsaturated free radical-curing group; R¹ is hydrogen or a C₁₋₆ hydrocarbon radical; R² is a hydrolyzable group; X is oxygen; and R³ is H or C₁₋₁₂ hydrocarbyl group;

b) a polymer having the structural formula:



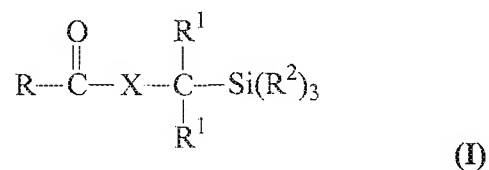
where A is a backbone selected from organic and siloxane backbones, and R^e is CH_3 or H; and

c) a cure system.

In formula I, where X is O and R is CH_3 , the composition demonstrates a ten fold increase in skin over time when exposed to curingly effective conditions as compared to a curable composition where when in formula I either X is not O or R is not CH_3 , or both.

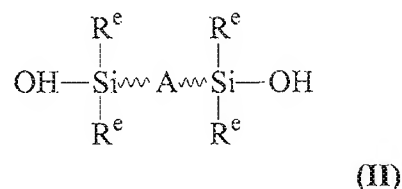
And as now defined by Claim 16 as amended, a curable composition is provided which includes the reaction product of

a) a compound having the structural formula:



where R is a C_{1-20} alkyl group which is optionally substituted or is an unsaturated free radical-curing group; R^1 is hydrogen or a C_{1-6} hydrocarbyl radical; R^2 is a hydrolyzable group; X is oxygen; and R^3 is H or C_{1-12} hydrocarbyl group;

b) a polymer having the structural formula:



wherein A is a backbone selected from organic or siloxane backbones, and R^e is CH₃ or H; and

c) a cure system.

Neither Scheim nor Lien disclose, teach or suggest such a method or composition.

More specifically, Scheim, in contrast to the present invention, is directed to and claims certain polyorganosiloxanes, but none for instance having an oxygen atom attached to the alpha carbon of the silane in formula I. The Examiner has recognized this fact by his indication that Claim 10 would be allowable.

And Lien, in contrast to the present invention, is directed to and claims a composition capable of curing by both moisture cure and UV cure mechanisms. The composition requires (a) 30-100 parts by weight of a reactive polyorganosiloxane terminated with acrylic functional dialkoxy- or diaryloxy-silyl groups and containing about 0.1-5% of a silicone moisture curing catalyst; (b) 0-70 parts by weight of a trimethylsilyl terminated silicone oil; and (c) an effective amount of a photosensitizer, where the photosensitizer is present either as

photosensitive groups bound to the reactive polyorganosiloxane or as a separate ingredient in admixture with components (a) and (b) above. The reactive polyorganosiloxane comprises the reaction product of a certain silanol terminated having a viscosity of between about 600 and 20,000 cst, with a certain acrylic functional trialkoxy- or triaryloxy-silane, in the presence of a condensation catalyst. The mole ratio of the silane to the silanol is from 2:1 and 6:1, and the reaction includes removing substantially all of the theoretical amount of alcohol produced thereby.

Significantly, Lien, like Scheim, does not disclose a polyorganosiloxane made from an acrylic functional trialkoxy- or triaryloxy-silane having an oxygen atom attached to the alpha carbon of the silane in formula I. The Examiner has recognized this fact by his indication that Claim 10 would be allowable.

It is well settled that in order to be an effective anticipatory reference, a single document must disclose each and every recitation of a claim under review. Failing such precise disclosure, rejections under Section 102 are improper.

Since Scheim or Lien do not disclose, teach or suggest the invention as defined in the independent claims as now presented, neither of these documents is proper for citation as an anticipatory reference under Section 102.

As such, the Section 102 rejections must fall and Applicant requests that they no longer be maintained.

Section 103 Rejection:

Claims 1-4, 7-9, 11-14 and 16-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,371,116 (Sakamoto) for the reasons given at pages 3-4 of the Action.

Applicant's cancellation of Claim 11 renders moot the Section 103 rejection thereof. Applicant traverses the remaining Section 103 rejections.

Sakamoto is directed to and claims a vulcanizable organopolysiloxane composition which includes the following 6 required components:

- (A) a hydroxy-terminated organopolysiloxane of a certain formula;
- (B) an acrylic or methacrylic functional alkoxysilane of a certain formula;
- (C) a divalent tin compound of a certain formula;
- (D) an alkoxy-, alpha-silyl ester of a certain formula;
- (E) an effective amount of a photopolymerization initiator for photopolymerization of the alkoxysilane; and

(F) an effective amount of a catalyst for vulcanization of the alkoxysilane and the alkoxy-, alpha-silyl ester, whereby the composition is vulcanizable by the exposure to atmospheric moisture and/or by application of UV light.

Without any one of the required 6 components of Sakamoto, Sakamoto's teaching fails for what it fairly discloses. The application of Sakamoto in the manner of the Action distorts its disclosure. Such distortion destroys Sakamoto as a document for proper citation as a Section 103 reference, since as applied in the Action not all of these 6 required components have been considered. Here, for instance Applicant's invention as claimed lacks at least one of the components identified as (A), (B) or (D).

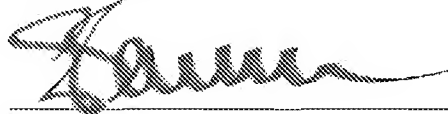
Thus, having modified Sakamoto's disclosure from what it fairly teaches to allegedly reach the invention as claimed together with the lacking of at least one of the noted components of the claims from Sakamoto and the presentation of certain claim amendments, Applicant submits that the Section 103 rejections have been overcome. As such, Applicant requests that they no longer be maintained.

Having addressed and presented arguments to overcome each and every rejection advanced in the Action, Applicant respectfully requests favorable re-consideration and prompt passage to issue of the present application.

Application No. 10/524,542
Amendment dated October 12, 2006
Response to Office Action of September 15, 2006

Applicant's undersigned attorney may be reached by telephone at (860) 571-5001, by facsimile at (860) 571-5028 or by e-mail at steve.bauman@us.henkel.com. All correspondence should be directed to the address given below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Bauman', written over a horizontal line.

Steven C. Bauman
Attorney for Applicant
Registration No. 33,832

HENKEL CORPORATION
Legal Department
1001 Trout Brook Crossing
Rocky Hill, Connecticut 06067
Customer No. 31217